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SUMMARY RECORD OF THE 338th MEETING

Held at Headquarters, New York,
on Wednesday, 9 July 1997, at 10.30 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Luxembourg (CEDAW/C/LUX/1 and CEDAW/C/LUX/2)

1. At the invitation of the Chairperson, Mrs. Mulheims (Luxembourg) took a place at the Committee table.

2. Mrs. MULHEIMS (Luxembourg), introducing the initial and second periodic reports of Luxembourg (CEDAW/C/LUX/1 and CEDAW/C/LUX/2), said that Luxembourg was initiating a pilot project in the area of equal opportunity in vocational training. During its presidency of the European Union, Luxembourg would also devote special attention to the issues of equal opportunity, basic human rights and traffic in human beings, particularly women, in the context of the expansion of the European Union to include countries of Central Europe.

3. While the Government of Luxembourg had entered a reservation in ratifying the Convention in so far as it conflicted with an article of the family compact of the house of Nassau concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg through the male line, the current Grand Duke had indicated his agreement in principle with a ministerial proposal to revise that article. In 1997, a Constitutional reform commission of the Chamber of Deputies had proposed the addition of a provision regarding non-discrimination to the country's Constitution, and the Government had adopted its "Plan of Action 2000" for implementing the Declaration and Platform for Action adopted at the Fourth World Conference on Women held at Beijing in 1995. Those actions reflected the Government's commitment to establishing the principle of equality of women and men in the Constitution and in legislation.

4. A proposal to allow women voters to register under their maiden names in voting lists had been passed by the Chamber of Deputies in 1995 only after massive opposition had been overcome, and opposition along similar lines regarding the choice of the father's or mother's family names for a couple's children had led to the reservation to article 16 of the Convention, but the Government was nevertheless committed to working towards the lifting of the reservations once the Plan of Action 2000 had been adopted.

5. Women constituted a relatively low percentage of those elected to the Chamber of Deputies or appointed to ministerial posts, but were more strongly represented in positions of leadership in the political parties. They were greatly outnumbered by men in decision-making positions at the community level, however, where they constituted a mere 10.9 per cent of the membership of local councils. Nevertheless, pressure from feminist movements and activists during the 1970s and 1980s had resulted in the passage of important laws establishing equality of the sexes.

6. Although Luxembourg had not ratified the Convention until 1989, a number of measures promoting women's equality had been adopted at the ministerial level before that date. Following ratification, an interministerial working group had been set up specifically to address women's issues in 1991. However, the establishment of the Ministry for the Advancement of Women in 1995 had finally provided women and men with an institutional body dedicated to the effective realization of equal rights and opportunities, and highlighted the independence of women's policy from family policy.

7. The Ministry had pursued the policy of women's advancement from the time of its establishment, and had worked for the explicit equality of women and men within the framework of the Beijing Platform and the Convention. Its three areas of primary activity comprised mainstreaming policy, education, training and employment policy, and social policy.

8. In the area of mainstreaming, the Ministry was assisted by the Interministerial Committee on Gender Equality, which had been given a regulatory framework in 1996. The Government's intention had been to strengthen that body by giving it a mandate and clearly defined powers, in pursuance of the strategic objective of the Beijing Platform, and in the context of the Government's view of mainstreaming as an indispensable tool for combating the unequal treatment of women. The Ministry for the Advancement of Women was also represented on an interministerial committee for cooperation in development, thereby guaranteeing its ability to ensure that equality issues would form an integral part of the policy of cooperation in development.

9. The Plan of Action 2000 also called for the creation of policies favouring equal opportunities in education and training. The Ministry of National Education and Vocational Training was already taking substantive measures in that regard, in concert with the Ministry for the Advancement of Women and other ministries. An example of mainstreaming was the organization of a media campaign against acquired immunodeficiency syndrome (AIDS), in which representatives of the ministries for the Advancement of Women, of National Education and Vocational Training, of Youth, of the Family and of Health participated.

10. Another example of mainstreaming was the establishment of a sub-group, on women and employment of the interministerial committee on gender equality; the sub-group was responsible for compiling statistics on female employment and would ensure the implementation of the plan of action in that sphere. The Ministry for the Advancement of Women had recently conducted a survey on the adjustment of working hours in the civil service. Within the European Union, it planned to organize an international conference on work arrangements.

11. The Women's Labour Committee, an advisory body of the Ministry for the Advancement of Women in operation since 1980, was empowered to propose action to improve the situation of women.

12. The National Council of Women of Luxembourg (CNFL) had initiated a broad strategy for mainstreaming the equality policy. It had invited the councils of the 118 communes to appoint a member who would be responsible for promoting equal opportunities in the commune; appoint an advisory commission on equal

opportunities; and consider establishing an equal opportunities office in the major communes. The measures to be taken by the communal body on equal opportunities were described in the initial report (CEDAW/C/LUX/1).

13. Training courses organized by the Ministry of the Interior for communal employees included sessions to raise awareness of the issue of gender equality. In the context of the communal policy on equality, an analysis would be made of the situation of women and men in each commune, and cooperation would then be developed between the advisory commissions, local organizations, local and national bodies and individuals, mobilizing as many people as possible in support of the equality policy. In that context, the Ministry for the Advancement of Women was conducting a pilot project for pre-school children, with the assistance of local advisory commissions.

14. Cooperation with non-governmental organizations was an important component of mainstreaming; the Ministry for the Advancement of Women subsidized their activities within the possibilities of its budget. In September it would organize a round table on the rights of women in the areas of social and financial security and education. A recent initiative was the establishment of regional discussion groups. All in all, the mainstreaming strategy had reached a high proportion of the population.

15. A second priority area was the education, training and employment policy. Within the context of the European Union's fourth action programme on equal opportunities for women and men, the Ministry for the Advancement of Women had submitted a project entitled "Sharing equality", which had just been extended to 1997. The project aimed to promote equal opportunities in two complementary spheres: education and vocational training, and employment and working life. The concept of equal opportunities had to be instilled at the earliest possible age, in children of both sexes, if there was to be an equitable environment at work. The first dimension of the project therefore sought to impart an education which embodied equal-opportunity principles, in cooperation with communes, teachers, parents and local women's bodies. The second dimension aimed to promote equal opportunities for women and men in the workplace, in cooperation with the ministries responsible for training and employment, training bodies, and employers' and workers' associations. For both adults and children, reflection about oneself and understanding of others were regarded as the essential elements for achieving true partnership between the sexes.

16. The Ministry for the Advancement of Women had prepared a training module on equality for use by training personnel and teachers at all levels, which was being incorporated into training activities. The Ministry had also initiated training for youth workers, personnel officers and all training personnel in the civil service.

17. The "Sharing equality" project was closely linked to the FEM TRAINING NET (Leonardo da Vinci) project, which had the goal of establishing and developing an educational and training network for girls and women. That project had been initiated by the Ministry of National Education and Vocational Training, in cooperation with the Ministry for the Advancement of Women and the Ministry of Labour and Employment.

18. The Ministry for the Advancement of Women had submitted a bill on the designation of an equality representative in private enterprises. The Minister for the Advancement of Women had recently announced that the Government planned to appoint equality representatives in the civil service.

19. De facto inequality was most apparent in the area of employment. Women accounted for 36.5 per cent of the working population and 43.3 per cent of unemployed persons; over twice as many women as men were engaged in part-time work. Women's salaries were 70 per cent of the salaries of their male counterparts. The Ministry for the Advancement of Women planned to publish a statistical study on women and the labour market in the near future.

20. A Council of Europe directive concerning the framework agreement on parental leave was currently under negotiation among the social partners at the national level. The Ministry for the Advancement of Women had submitted a bill on family leave to the Chamber of Deputies in March 1996, and was currently formulating a bill on combating sexual harassment at the workplace. In mid-June, a motion had been adopted by all the political parties in the Chamber of Deputies calling on the Government to draw up a broad strategy of information and awareness-raising with regard to the equitable division of work and family responsibilities. A group of women journalists had recently carried out a survey on the situation of journalists and the image of women in the media.

21. A third major area was the social sphere. The Ministry for the Advancement of Women was working to ensure individual entitlement to social security coverage for all women, particularly those who stayed away from work for lengthy periods or gave up working altogether. In addition, it was supporting local and communal initiatives to set up childcare facilities.

22. In 1996, the Ministry for the Advancement of Women had given its support to a project of the Femmes en Détresse association for establishing a girls' home for girls from 12 to 21 years of age. The project consisted of an information bureau, a drop-in centre and a shelter. A broad campaign against the sexual abuse of girls had been organized prior to the launching of the project. During the campaign, the girls' home staff had organized workshops on violence and sexual abuse. A further campaign to combat violence against women would be organized at the end of 1997.

23. Luxembourg had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Ministry for the Advancement of Women had been closely involved in the conference on traffic in women organized by the European Commission in 1996. Luxembourg had supported the ministerial declaration on the subject which had been adopted at The Hague and was studying the possibility of drawing up a questionnaire on follow-up to that declaration.

24. In October 1994, to combat traffic in women, the Minister of Justice had established a system of quotas for residence permits for foreign performing artists. A bill on money laundering, which would also cover profits from traffic in human beings, was currently going to the vote. Prostitution itself was not prohibited in Luxembourg, but procurement and soliciting were. The Ministry for the Advancement of Women planned to open a centre for prostitutes

in 1998 which would provide counselling, information and legal aid, and medical care. Confidentiality would be ensured.

25. Another target population was foreign, immigrant and refugee women. Foreigners accounted for 30 per cent of the population in 1991; about 91 per cent were citizens of the European Union and the European economic area, and 9 per cent were from third countries, including refugees.

26. Women generally immigrated for purposes of family reunion; most women immigrants came from southern Europe. A number of refugee women had come to Luxembourg over the last 30 years, but few of them had been single or heads of single-parent households. With the most recent wave of refugees from the former Yugoslavia, however, a larger number of women heads of household had obtained ad hoc refugee status in Luxembourg. Such women benefited from a number of special measures, such as the provision of safe shelter; counselling by professional social workers; the possibility of requesting that the administrative procedures in their case should be carried out by a female official of the Ministry of Justice and that a female interpreter should be provided; language courses scheduled so as to be compatible with family life; and specialized services for women refugees who obtained residence permits.

27. Luxembourg's Ministry for the Advancement of Women was actively developing the country's legislative framework for equality of women and men. Many awareness, information and training initiatives were being carried out; they were interrelated and dealt with each of the three priority areas of the Ministry's work: mainstreaming, social policy and education, training and employment policy. They were aimed at persons in every age group, both male and female. As a specific means of raising the awareness of young people, the Ministry had prepared a handbook on the Convention for use as a supplementary text in civics courses. The two main objectives of the handbook, which would be published in French and German and which was intended for 17- and 18-year-olds, were to make young people more aware of persistent social inequalities with respect to girls and women and to ensure that girls understood their rights. She wished to present the Chairperson with a copy of the handbook. In addition, reports on the implementation of the Convention would be distributed to students and to all other interested parties, including non-governmental organizations.

28. Because attitudes towards equality of the sexes could not be changed unless actions targeted young men as well as young women, the Ministry's Plan of Action 2000 stressed the importance of introducing home economics courses in all types of schools and making them available to both girls and boys, to prepare the latter to assume family responsibilities in an egalitarian manner.

29. De facto equality of the sexes had not yet been achieved in Luxembourg. Attitudinal change was a long and complex process whose success depended on the participation of all social actors. It had taken over 2,000 years for society to discuss openly and publicly the problem of discrimination against women. Although women's situation had improved, power was still too often in the hands of men. It might be appropriate to hold a world conference on the subject of men and power, since the shift to an egalitarian society required efforts to enhance men's awareness, including their awareness of their degree of responsibility.

30. Ms. CORTI said that Luxembourg's very detailed and frank reports showed that Luxembourg had always been at the forefront of equal-opportunity efforts, even among the European countries. However, it had ratified the Convention in 1989 - somewhat later than other European Union countries - and had entered reservations to articles 7 and 16. Although the reservation to article 7 was understandable, since it concerned the family of the Grand Duke, she hoped that it would be withdrawn. The reservation to article 16 (g), however, was harder to understand; she hoped that it, too, would be withdrawn, in accordance with the recommendations issued at the 1993 World Conference on Human Rights and the 1995 Fourth World Conference on Women.

31. She was pleased to note that the Ministry for the Advancement of Women had adopted the Plan of Action 2000 to implement the Beijing Platform for Action, and that Luxembourg's cooperation with developing countries would specifically promote the advancement of women. With respect to the proposal to convene a world conference on the subject of men and power, the best way to raise men's awareness of women's capacities was to promote greater mobilization of women themselves.

32. Since Luxembourg was to take over the presidency of the European Union for the next six months, she hoped that it would ensure that the Convention, to which all of the European countries were parties, was widely publicized in those countries and formed part of the basic body of legal principles uniting them.

Article 2

33. Ms. GONZALEZ said that the measures implemented as a follow-up to the recommendations issued at the Beijing Conference, which were listed in the second report (CEDAW/C/LUX/2), should serve as examples to other countries.

34. She asked why the initial report (CEDAW/C/LUX/1), in the section on legislative measures to ensure equality, indicated only that women could serve as "volunteers" in the army, and whether a distinction was being made between such "volunteer" work and careers in the military. She also asked for clarification of the "expenses relating to the marriage" referred to in the context of the Act of December 1972 concerning the rights and duties of spouses, and whether those expenses were understood to be the same for both spouses.

35. Ms. SHALEV asked whether a renewed attempt had been made to introduce a definition of the principle of equality of women and men into Luxembourg's Constitution. She also asked whether the Convention was currently applicable under Luxembourg's domestic law or whether legislation was needed to give it effect.

36. Although the reports contained much information on the laws enacted, they did not contain statistics, which would have been useful. She wondered why most women in Luxembourg did not engage in paid employment, since the indication that immigration was the most important factor in Luxembourg's population growth implied that the birth rate was low, the laws on maternity leave appeared to favour working women and childcare was widely available.

37. Ms. CORTI asked what causes were accepted as grounds for divorce under the amended divorce law. She also asked whether, in general, international law took precedence over domestic law. Lastly, she wondered whether the measures taken to integrate refugee and immigrant women into society included special laws enabling them to work and, if so, in what conditions.

38. Ms. CARTWRIGHT asked whether women in Luxembourg could bring cases of indirect discrimination before the courts and, if so, whether any such actions had been taken. She also wondered whether there were any association of women lawyers that encouraged and assisted women who wished to bring such cases before the courts, and whether any legal aid was available to women who did so.

Article 3

39. Ms. AOUIJ said that she appreciated the mainstreaming of the gender perspective under Luxembourg's Plan of Action 2000. She asked for updated information on the status of the draft legislation on family leave, sexual harassment at the workplace and the designation of a labour delegate for women in companies of a certain size. She also asked whether Luxembourg intended to pass a law expressly providing for the punishment of acts of violence committed against women because they were women.

40. She praised Luxembourg's media awareness campaign and asked the delegation to provide all the members of the Committee with copies of the illustrated handbook published on the Convention. That initiative was important not only in the context of efforts to achieve equality, but also in the context of the United Nations Decade for Human Rights Education.

41. She asked for more details on the composition of the Interministerial Committee on Gender Equality, on who presided over it and on what human and financial resources were available to it. She also wished to know the exact percentage of women immigrants out of the total number of immigrants. Lastly, she supported Ms. Corti's request that Luxembourg should give the Convention priority in the context of the European Union, since such efforts could also have a positive impact on countries associated with the European Union, such as her home country, Tunisia.

42. Ms. OUEDRAOGO said that Luxembourg should be commended for having established a Ministry for the Advancement of Women separate from the ministry dealing with family matters, demonstrating its recognition that women had an identity separate from their role in the family.

43. The diversity of structures for the advancement of women gave her some concern, however, and she would like to hear more about the relationship between them. It was important that the Ministry for the Advancement of Women should have sufficient political authority and resources to play the leadership role.

44. Ms. GONZALEZ said that the establishment of the Ministry for the Advancement of Women had been cited as proof of the Government's commitment to the advancement of women, yet it seemed to her that family policy and women's rights were interdependent, and therefore must be linked. She would like more information about how policy in those two areas was coordinated.

Article 4

45. Ms. GONZALEZ asked for more specific information on Government policy, plans and programmes to include women in political life and whether any affirmative action had been taken to encourage their participation in political parties.

46. Ms. RYEL said that the report contained a great deal of information on plans, policies and programmes, yet she wondered if any goals had been established for women's increased participation in decision-making, five or ten years in the future, for instance. She would like to know if there were quotas for women's participation in Government bodies and committees. In her experience, affirmative action measures were needed in order to combat inequality effectively.

47. Ms. Yung Chung KIM said that the education programmes had been described in great detail, but the reports lacked information on targets or a programme of action with a timetable. Both the initial and second periodic reports described the legal framework, proposals and consultations held to promote the employment of women in the public sector, yet no plan of action was mentioned. There were few women in decision-making positions in the Government, although many must be qualified because of the high level of education among the women of Luxembourg. She wondered why no special measures had been taken in that area.

48. The CHAIRPERSON said that Luxembourg enjoyed the advantages of a relatively high per capita gross national product and longstanding equality of opportunity in education, yet, by its own admission, de facto equality had not been achieved. More information on affirmative action measures would be helpful.

49. She also requested clarification of the apparent contradiction between the statement that most women living in Luxembourg were not engaged in paid employment and the statistic quoted later in the initial report, in the discussion on article 11, that 59.4 per cent of women of working age were employed.

Article 5

50. Ms. FERRER noted that acts of sexual assault were referred to in the report as attacks on the ordinary sense of decency, and not the personal integrity of the victims. In her view, the terminology should be changed to reflect their true gravity. She would like more information on the current penalties for such acts, as well as gender-disaggregated data on violence. An update on the status of the proposed law on sexual harassment at the workplace would also be useful.

51. Ms. RYEL agreed that attitudes were difficult to change, and suggested that emphasis should be placed on the man's role within the home and his shared responsibility for his children. With regard to women's employment, since men did most of the recruitment and made most of the decisions on promotion, they should be educated on gender-neutral recruitment and promotion practices.

52. Ms. CARTWRIGHT congratulated the Government of Luxembourg for honouring its commitment made at the Beijing Conference to open a young women's shelter. She

asked whether, as a matter of policy and of fact, the police arrested the perpetrators of violence against women, and whether such offences were treated as seriously by the police and the courts as other acts of violence.

53. Ms. JAVATE DE DIOS asked about the effects of the proposed pornography bill on the attitudes of young men towards women and about the extent of the use of pornography in Luxembourg. She also requested clarification of the offence of "indecent assault without violence or threats".

The meeting rose at 1.05 p.m.